

AB:DJL

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-against-

BRANDON LOMAX,

Defendant.

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AFFIDAVIT AND COMPLAINT  
IN SUPPORT  
OF APPLICATION FOR  
AN ARREST WARRANT

(T. 18, U.S.C., § 922(g)(1))

19-MJ-714

EASTERN DISTRICT OF NEW YORK, SS:

SIMON LAINE, being duly sworn, deposes and states that he is a Detective with the New York City Police Department ("NYPD"), duly appointed according to law and acting as such.

Upon information and belief, on or about August 5, 2019, within the Eastern District of New York, the defendant BRANDON LOMAX, knowing that he had been previously convicted in a court of one or more crimes punishable by imprisonment for a term exceeding one year, did knowingly and intentionally possess in and affecting interstate or foreign commerce a firearm, to wit: a Smith & Wesson 9mm pistol bearing serial number HVS0947.

(Title 18, United States Code, Section 922(g)(1))

The source of your deponent's information and the grounds for his belief are as follows<sup>1</sup>:

1. I am a Detective with the NYPD and have been involved in the investigation of numerous cases involving firearms offenses. I am currently assigned to the Triggerlock Unit. I am familiar with the facts and circumstances set forth below from my personal involvement in this investigation, my review of documents, records and reports, and from reports made to me by other law enforcement Detectives and personnel. Where I describe the statements of others, I am doing so only in sum and substance and in part.

2. At approximately 9:04 p.m. on August 5, 2019, two NYPD officers ("Officer-1" and "Officer-2")<sup>2</sup> were conducting patrol in an unmarked police vehicle in the 77th Precinct. Officer-1 was driving the vehicle and Officer-2 was in the front passenger seat. The officers were driving on Park Place, in Brooklyn, New York when Officer-1 observed the defendant, BRANDON LOMAX, walking with an L-shaped bulge in his waistband.

3. Officer-1 then observed the defendant, BRANDON LOMAX, look at the unmarked police vehicle, then turn in the opposite direction and walk away. Officer-1 then drove the vehicle in reverse and observed the defendant walk behind a parked car and bend over a garbage can. Officer-1 observed the defendant, BRANDON LOMAX, standing

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<sup>1</sup> Because this affidavit is being submitted for the limited purpose of establishing probable cause to arrest, I have not set forth every fact learned during the course of this investigation.

<sup>2</sup> Because multiple law enforcement personnel were involved in the arrest of this defendant, I refer to them as Officer-1 and Officer-2 for ease of reference. The identities of each of these individuals are known to the affiant, and I have interviewed Officer-1 about the events set forth herein.

over the garbage can and begin fidgeting with his waistband. Officer-1 then observed the defendant, BRANDON LOMAX, walk away from the garbage can.

4. Officer-1 and Officer-2 then exited their vehicle and stopped the defendant. Upon being stopped, the defendant stated unprompted, in sum and substance, and in part, "I am going to Rikers for this."

5. After stopping the defendant, BRANDON LOMAX, Officer-1 then went to the garbage can that he witnessed the defendant standing over. Inside the garbage can, Officer-1 observed a loaded 9mm Smith & Wesson pistol. The defendant was subsequently placed under arrest.


6. After the arrest, law enforcement officers recovered surveillance video from that evening which depicted the defendant bent over the garbage can, in the manner which Officer-1 witnessed.

7. An examination of the firearm by law enforcement agents showed it to be a loaded, Smith & Wesson 9mm pistol bearing serial number HVS0947.

8. Based on my discussions with an interstate nexus expert from the Bureau of Alcohol, Tobacco, Firearms, and Explosives, I know that the firearm recovered from the defendant was manufactured outside of the State of New York.

9. I have reviewed the defendant's criminal history records. On or about March 23, 2016, the defendant was convicted in Queens County Supreme Court for attempted criminal possession of a weapon in the second degree, a felony punishable by more than one year imprisonment.

WHEREFORE, your deponent respectfully requests that the defendant  
BRANDON LOMAX be dealt with according to law.

  
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SIMON LAINE  
Detective  
New York City Police Department

Sworn to before me this  
8th day of August, 2019

/s/ SJB

  
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THE HONORABLE SANKET J. BULSARA  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK